UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSEMARIE KELLEY, Personal
Representative for the Estate of Christiaan
Kelley, Deceased,

Case No. 06-13189

       Plaintiff,

Honorable John Corbett O'Meara

v.

CITY OF SOUTHFIELD and BRIAN
BASSETT,

       Defendants.

_____/

ORDER DENYING
PLAINTIFF'S MAY 15, 2007 MOTION FOR RECONSIDERATION

This matter came before the court on Plaintiff's May 15, 2007 motion for reconsideration of

this court's May 7, 2007 order granting Defendants' motion for summary judgment. Defendants filed

a response October 29, 2007. No oral argument was heard. Local Rule 7.1(g)(2)(E.D. Mich. Dec.

1, 2005).

> Generally, and without restricting the court's discretion, the court will
> not grant motions for rehearing or reconsideration that merely present
> the same issues ruled upon by the court, either expressly or by
> reasonable implication. The movant must not only demonstrate a
> palpable defect by which the court and the parties have been misled
> but also show that correcting the defect will result in a different
> disposition of the case.

LR 7.1(g)(3).

Plaintiff filed this motion for reconsideration following the United States Supreme Court

decision Scott v. Harris, 127 S. Ct. 1769 (2007), which was filed just a week before this court issued

its order granting Defendants' motion for summary judgment. In Scott, however, the Court reiterated

its holding from <u>Brower v. County of Inyo</u>, 489 U.S. 593 (1989), which this court applied in its opinion.

The court finds that despite citing the <u>Scott</u> decision, Plaintiff has presented the same issued ruled upon by the court either expressly or by reasonable implication. Therefore, it is hereby **ORDERED** that Plaintiff's May 15, 2007 motion for reconsideration is **DENIED.**

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s/John Corbett O'Meara
United States District Judge

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Date: February 13, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 13, 2008, by electronic and/or ordinary mail.

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s/William Barkholz
Case Manager

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